

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Court  
Southern District of Texas  
FILED

DEC 11 2018

David J. Bradley, Clerk of Court

United States of America )

v. )

Elexis Kiera SIDNEY )

Case No.

H18-1954M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 9, 2018 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

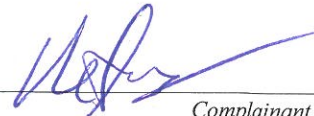
18 USC 2251(a)

## Offense Description

Used, persuaded, induced, or coerced any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct knowing that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer.

This criminal complaint is based on these facts:

See Attached Affidavit

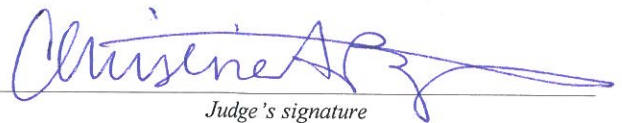
☒ Continued on the attached sheet.


Complainant's signature

Marisa Schwartz, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/11/2018


Judge's signature

City and state: Houston, Texas

Christina A. Bryan, U.S. Magistrate Judge

Printed name and title

AFFADAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Marisa Schwartz, being truly sworn and deposed state,

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI), assigned to the Office of the Special Agent in Charge, Houston, Texas. I have been employed by Immigration & Customs Enforcement (ICE), Homeland Security Investigations (HSI), as an HSI agent for approximately eleven years. I am currently assigned to the Cyber Investigations Group and as part of my daily duties as an HSI agent assigned to this group, I investigate criminal violations relating to child exploitation and child pornography including violations of Chapter 109A, Chapter 110 and Chapter 117, all contained within Title 18 of the United States Code. I have received training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review examples of child pornography in various forms of media including computer media. I have also participated in the execution of search warrants and arrest warrants; a number of which involved child exploitation and child pornography offenses.

2. This affidavit is based on reports your affiant has read and conversations your affiant has had with law enforcement officers and investigators involved in this investigation. This affidavit does not set forth all of my knowledge in this matter but is intended only to show that there is probable cause to believe that Elexis SIDNEY is in violation of Title 18 United States Code Section 2251(a).

3. In December 2018, an HSI Buffalo Special Agent was performing undercover (UC) investigations on the mobile messaging application Kik messenger. The HSI UC agent was in a private Kik chat group and observed a Kik user [hereinafter referenced as "Kik User1"] posting sexually explicit material depicting children into this private Kik chat group.

4. On December 9, 2018, "Kik User1" posted an image of herself naked in the bathroom. The image shows her face and the bathroom appears to have a maroon/red countertop.

5. On the same evening, "Kik User1" posted a video of herself in the bathtub with a nude, pre-pubescent male child, approximately 2-3 years of age [hereinafter referenced as "minor victim"]. She is massaging her breasts and masturbating as the minor victim sits in front of her playing with the water. This video constitutes child pornography.

6. On the same evening, "Kik User1" posted a video with the minor victim and an adult female in the same positions. The minor victim jumps up on to the adult female before then placing his

hands between her legs and rubbing her vagina. This video constitutes child pornography. “Kik User1” then wrote, “He just stuck his finger in my pussy; That’s a first”; “It felt really good”; “God I m so horny”. Another user states that she should “give it a kiss or a suck” to which the “Kik User1” replied, “Once I’m locked away in my room I’ll take care of it; Lol I’m nervous to suck when he’s awake”. Another user encourages “Kik User1” to continue and “Kik User1” says, “Ima drop my phone; I’ll try to play with it if he lets me”.

7. On the same evening, “Kik User1” posted a video of herself and the minor victim in the bathtub. The minor victim is lying back between her legs as she plays with his penis. This video constitutes child pornography. “Kik User1” then wrote, “I’ll probably have more fun later”; “Glad you all enjoyed tho I was little nervous”. Another user replied that she couldn’t believe he touched her too and “Kik User1” replied, “He does it on his own. Took a long time but I went at his pace. Been like a year now almost 2”.

8. On December 10, 2018, HSI Buffalo submitted an emergency disclosure request to Kik messenger for subscriber information relating to the “Kik User1” Kik account. On the same day, Kik responded and provided the following:

First name: Lexi  
Last name: (#TeamNoSleep):kiss:  
Email: elexis.sidney@gmail.com (unconfirmed)  
Registration: 2015/01/29 10:14:05  
Device type: Android  
Brand: Samsung  
IP address: 108.208.151.18  
Location: US

9. The only Internet Protocol (IP) address utilized within the last 30 days to log into the “Kik User1” Kik account was IP address 108.208.151.18.

10. A query within the MaxMind IP Geolocation online database revealed that IP address 108.208.151.18 geo-locates to Houston, Texas and is registered to the Internet Service Provider (ISP) AT&T.

11. On the same day, HSI Buffalo served a U.S. Immigration and Customs Enforcement summons to AT&T relating to IP address 108.208.151.18.

12. On the same day, HSI Buffalo utilized a publicly available website to query email address [elaxis.sidney@gmail.com](mailto:elaxis.sidney@gmail.com) and discovered that the email address linked to a Facebook page for an Elexis SIDNEY of Houston, Texas. A review of the Facebook page showed the same adult female and minor victim that were depicted in the videos posted by "Kik User1" into the previously mentioned Kik group. There are numerous photos on the Facebook page that depict the same adult female in the same bathroom, with the maroon/red countertop as seen in the image previously described and uploaded to Kik by "Kik User1" depicting her nude in the bathroom.

13. HSI Buffalo queried "Elexis SIDNEY in Houston, Texas" via a publicly available website and discovered an Elexis SIDNEY (DOB: 10/15/1993) with a last listed address on Antoine Drive in Houston, TX.

14. On the same day, HSI Buffalo contacted HSI Houston Cyber Investigations Group (CIG) regarding "Kik User1" possibly residing in the Houston area. Special Agent (SA) Marisa Schwartz reviewed all evidentiary material relating to the "Kik User1" Kik account and verified all information received.


15. SA Schwartz located a Texas Driver License (TXDL) for Elexis SIDNEY with TXDL# 34970737. The listed address on the TXDL showed the address on Antoine Drive in Houston, TX.

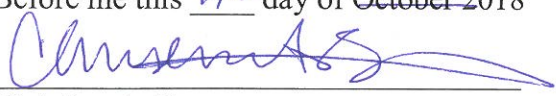
16. On the same evening, HSI Buffalo received a response from AT&T for the summons previously submitted for subscriber information pertaining to IP address 108.208.151.18. AT&T provided a response which indicated that the subscribers address was the same address on Antoine Drive in Houston, TX. The IP usage started on November 24, 2018.

17. On the same evening, HSI CIG Special Agents, with the assistance of state and local law enforcement, conducted a knock and talk at Elexis SIDNEY's residence. SIDNEY agreed to speak with HSI Special Agents (SA) Marisa Schwartz and W. Russell Hurst. SIDNEY was issued her Miranda warning by SA Schwartz in which she signed stating that she understood her rights and waived them. During the interview, SIDNEY identified the Kik account she uses and it was determined to be the same Kik account that was used to upload the child pornographic videos previously described. When asked about the videos that were previously described depicting sexually explicit acts conducted with the minor victim, SIDNEY broke down crying and confirmed she created those videos and it was her depicted in the videos with the minor victim.

18. During the knock and talk, the minor victim depicted in the child pornographic videos was present at the residence and determined to be under the age of three years old.

19. Based on the foregoing facts, I respectfully request an arrest warrant be issued for Elexis SIDNEY for violations of Title 18 United States Code Section 2251(a).

  
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Marisa Schwartz  
Special Agent  
Homeland Security Investigations

SUBSCRIBED and SWORN *December*  
Before me this 11<sup>th</sup> day of ~~October~~ 2018  
  
\_\_\_\_\_  
Christina A. Bryan  
United States Magistrate Judge  
Southern District of Texas